

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEX CUESTA,

Plaintiff,

v.

FIRSTSERVICE RESIDENTIAL NEW YORK,
INC., LIBRETT REAL ESTATE GROUP INC.,
and THE LOFTS AT NEW ROC OWNERS
CORP.,

Defendants.
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USDS SDNY
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ORDER

17 CV 5958 (VB)

On February 26, 2018, the parties in this Fair Labor Standards Act case filed a settlement agreement (Doc. #34, Ex. 1), and a joint statement explaining the basis for the agreement (Doc. #34), as required by Cheeks v. Freeport Pancake House, Inc., 796 F.3d 199 (2d Cir. 2015).

The Court has considered the following factors: (i) the parties' position as to the proper valuation of plaintiff's claims; (ii) the risks and costs of continuing to litigate; (iii) that plaintiff is represented by counsel; (iv) that plaintiff no longer works for defendants; (v) that the release set forth in paragraph 5 of the settlement agreement is limited to wage and hour claims; (vi) that the settlement agreement does not contain confidentiality or non-disparagement provisions; (vii) that plaintiff is receiving an amount in excess of the estimated unpaid overtime wages claimed to be owed; and (viii) the representation that all parties desire to resolve this action early and avoid the costs and uncertainty associated with drawn-out litigation.

Based on the foregoing, the Court finds that the settlement agreement is fair and reasonable, and the product of arm's-length negotiation, not fraud or collusion.

Additionally, the Court finds the attorneys' fees, which are one-third of the recovered amount plus costs, to be fair and reasonable under the circumstances.

CONCLUSION

The parties' settlement agreement (Doc. #34, Ex. 1) is APPROVED, and the case is DISMISSED with prejudice.

The Clerk is instructed to close this case.

Dated: February 28, 2018
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent L. Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge